

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

YESSICA GARCIA

v.

INFINITY TRANSPORTATION, INC.

CIVIL ACTION NO. 2:21-CV-00059
DEMAND FOR JURY TRIAL

DEFENDANT, INFINITY TRANSPORTATION, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Infinity Transportation, Inc. (“Defendant”) hereby removes this action to the United States District Court for the Western District of Texas from the 365th Judicial District Court of Maverick County, Texas, stating as follows:

1. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction because the parties to the suit have complete diversity of citizenship. It arises under the laws of the United States as provided in 28 U.S.C. § 1332 because this action is between citizens of different states.

2. Under the provisions of 28 U.S.C. § 1441, et seq., the right exists to remove this cause from the District Court of Maverick County, Texas to the United States District Court for the Western District of Texas, Del Rio Division, which embraces the place where this action is pending. In her Original Petition, filed on August 31, 2021, Plaintiff, Yessica Garcia (“Plaintiff”) alleges personal injuries arising out of a motor vehicle accident and seeks “monetary relief” exceeding \$1,000,000.00. Plaintiff outlined the following categories of damages in the past and future: (1) medical expenses; (2) pain and suffering; (3) mental anguish; (4) impairment; (5) disfigurement; and (6) loss wages and loss of earning capacity. By Plaintiff’s own Petition, the amount in controversy exceeds \$75,000. *See* 28 U.S.C. § 1446 (c)(2).

3. Under 28 U.S.C. § 1332, Defendant has a right to remove this case to federal court, because the parties have complete diversity of citizenship. Specifically, Plaintiff's Original Petition alleges that Plaintiff is a citizen of Maverick County, Texas. Plaintiff's Petition further states that Infinity Transportation, Inc. is a foreign corporation based in Warren, Michigan.

4. This action was originally filed on August 31, 2021 by way of Plaintiff's Original Petition. Defendant, Infinity Transportation was served with Citation and Plaintiff's Original Petition on October 1, 2021. Please refer to Exhibit "3", which is a true and correct copy of the Affidavit of Service executed by the process server on file with the Maverick County District Clerk for the cause originally filed in Texas state court.

5. Prior to the date on which Defendant was required to file this Notice of Removal, an answer to Plaintiff's Original Petition was filed with the 365th Judicial District Court of Maverick County, Texas, pursuant to the Texas Rules of Civil Procedure on October 22, 2021.

6. Pursuant to the provisions of 28 U.S.C. § 1446, Defendants attach hereto, as Exhibit "1," and incorporate herein by reference, a copy of Plaintiff's Original Petition filed in the 365th Judicial District Court in Maverick County, Texas on August 31, 2021, bearing Cause No. 21-08-40357-MCVAJA.

7. Pursuant to the provisions of 28 U.S.C. § 1446, Defendant attaches hereto, as Exhibit "2," and incorporate herein by reference, a copy of Defendant's Original Answer filed in this cause on October 22, 2021.

8. Pursuant to the provisions of 28 U.S.C. § 1446, Defendants attach hereto, as Exhibit "3," and incorporate herein by reference, a copy of the Affidavit of Service executed by the process server on file with the Maverick County District Clerk for the cause originally filed in Texas state court.

9. According to these premises, Defendant desires and is entitled to have this cause removed from the District Court of Maverick County, Texas, to the United States District Court for the Western District of Texas, Del Rio Division, such being the district where such suit is pending.

10. Notice of the filing of this Notice of Removal will be given to all parties as required by law.

11. A true copy of this Notice of Removal will be filed with the Clerk of the District Court of Maverick County, Texas, as provided by law.

WHEREFORE, PREMISES CONSIDERED, Defendant, Infinity Transportation, Inc. prays that this action be removed to this Court and this Court assume jurisdiction of this action and henceforth, this action be placed on the docket of this Court for further proceedings, the same as though this action had originally been instituted in this Court.

Respectfully submitted,

**THORNTON, BIECHLIN,
REYNOLDS & GUERRA, L.C.**

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Infinity Transportation, Inc.**

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing instrument has been properly delivered pursuant to the Federal Rules of Civil Procedure, on the 27th day of October, 2021, to the following counsel of record:

NEVAREZ LAW GROUP, PC
Alfonso Nevarez
Mariliza V. Williams
780 E. Rio Grande St.
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Jeffrey K. Finley